

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

SUBHASH PATEL, Individually and On Behalf of
All Others Similarly Situated,

Plaintiff,

v.

KONINKLIJKE PHILIPS N.V., FRANS
VAN HOUTEN, ABHIJIT
BHATTACHARYA, and JOHN FRANK,

Defendants.

21-CV-4606 (ERK) (MMH)

(Oral Argument Requested)

**THE KPNV DEFENDANTS' NOTICE OF MOTION
TO DISMISS THE SECOND AMENDED COMPLAINT**

PLEASE TAKE NOTICE THAT, upon the accompanying Memorandum of Law in Support of the KPNV Defendants' Motion to Dismiss the Second Amended Complaint, the supporting declaration and exhibits attached thereto, and all prior proceedings herein, Defendants Koninklijke Philips N.V., Frans van Houten, and Abhijit Bhattacharya (the "KPNV Defendants"), by and through their undersigned counsel, respectfully move this Court for an Order dismissing the Second Amended Complaint in its entirety with prejudice pursuant to the Private Securities Litigation Reform Act and Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure.

By: /s/ Sharon L. Nelles

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CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of February 2023, true and correct copies of the KPNV Defendants' Notice of Motion to Dismiss the Second Amended Complaint, the KPNV Defendants' Memorandum of Law in Support of Their Motion to Dismiss the Second Complaint, and the Declaration of William B. Monahan in support thereof, were served on the following counsel via electronic mail:

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/s/ Elizabeth N. Olsen
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